GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA

UNSTARRED QUESTION NO:2874
ANSWERED ON:10.12.2014
INTERCEPTION OF TELEPHONE CONVERSATION
Yadav Shri Dharmendra

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether a large number of phones are tapped every month in the country;

(b) if so, the details thereof and the complaints received about unlawful interception of telephone of high dignitaries in the country;

(c) whether parallel system of recording calls through off-the-air GSM technology has been working as a form of illegal and passive mode of interception; and

(d) if so, the steps taken by the Union Government to tackle this technology loophole and to ensure country`s security and protect the individual privacy?

Answer

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

(a) Madam, the interception of telephone conversation is done by Law Enforcement Agencies as per the provisions contained in the Section 5(2) of Indian Telegraph Act, 1885 read with Rule 419A of Indian Telegraph (Amendment) Rules, 2007.

(b) Such interception is done under orders issued by the Union Home Secretary on the requests supported by justified grounds/ reasons made by Law Enforcement Agencies. With regards to unlawful interception of telephone of high dignitaries in the country, only one complaint was received by the Ministry of Home Affairs during April, 2014, which was found to be incorrect.

(c) & (d) Off-the-air GSM technology and passive mode of interception is not allowed under the Law. Taking cognizance of the risk posed by such equipment, the equipment which could be used to tap the communication off-the air have been moved to 'Restrictive List' from the 'Open General Licence' (OGL) list vide Department of Commerce notification No. 53/2009-14 dated 15-07-2010. Further, a public notice was issued on 22nd March' 2011 as well as on 28th July' 2012 to create awareness that possession and use of such equipment is against the provisions of Indian Wireless Act, 1933 & Indian Telegraph Act, 1885 and is liable to be punished with imprisonment for the term which may extend up to three years or with fine, or with both. It was also directed in the public notice that the person/s and companies who have/had imported, procured or possess the equipment capable of monitoring/intercepting and surveillance of communications, to provide the details of such equipment in the prescribed format to respective Telecom Enforcement, Resources and Monitoring (TERM) Cells of Department of Telecommunications. In response to the public Notices, no person/s or companies have reported such equipment.